

EXHIBIT B

TESLA'S PROPOSED JURY INSTRUCTIONS

JURY INSTRUCTION NO. [1]: PRIOR JURY'S VERDICT FINDING TESLA LIABLE

Defendant Tesla, Inc. has been found liable to Plaintiff Owen Diaz for three violations of law:

1. Mr. Diaz experienced a racially hostile work environment while working for Tesla;
2. Tesla failed to prevent one or more of Mr. Diaz's supervisors and one or more of his non-immediate supervisors or co-workers from racially harassing Mr. Diaz, and Tesla or a member of Tesla's management knew or should have known of the harassment and failed to take prompt, effective remedial action; and
3. Tesla negligently supervised or negligently continued to employ one of Mr. Diaz's supervisors, Ramon Martinez.

It has also been found that Mr. Diaz is entitled to recover punitive damages.

You must accept each of these findings as true.

Based on these findings, you must decide two issues:

First, you must decide what amount of damages, if any, should be awarded to compensate Mr. Diaz for any injury you find was caused by Tesla.

Second, you must decide what amount of punitive damages, if any, would be appropriate to punish Tesla for its wrongful conduct and to deter future violations against others.

JURY INS. NO [2]: DAMAGES—PROOF

Mr. Diaz, has the burden of proving damages by a preponderance of the evidence. Damages means the amount of money that will reasonably and fairly compensate Mr. Diaz for the harm caused by Tesla.

In determining the measure of damages, you should consider the following:

1. The nature and extent of the injuries actually suffered by Mr. Diaz;
2. The loss of enjoyment of life experienced and that with reasonable probability will be experienced in the future;
3. The mental or emotional pain and suffering experienced and that with reasonable probability will be experienced in the future;

It is for you to determine what damages, if any, have been proved. Your award must be based upon evidence and not upon speculation, guesswork or conjecture.

JURY INS. NO [3] NOMINAL DAMAGES

The law that applies to this case authorizes an award of nominal damages. If you find that Mr. Diaz has failed to prove damages as defined in these instructions, you must award nominal damages. Nominal damages may not exceed one dollar.

JURY INS. NO [4]: DAMAGES—MITIGATION

Mr. Diaz has a duty to use reasonable efforts to mitigate damages. To mitigate means to avoid or reduce damages.

Tesla has the burden of proving by a preponderance of the evidence:

1. that Mr. Diaz failed to use reasonable efforts to mitigate damages; and
2. the amount by which damages could have been mitigated.

JURY INS. NO [5]: PUNITIVE DAMAGES

Mr. Diaz has the burden of proving by a preponderance of the evidence the amount of punitive damages that should be awarded.

You must use reason in setting the amount of punitive damages. Punitive damages, if any, should be in an amount sufficient to fulfill their purposes but should not reflect bias, prejudice or sympathy toward any party. In considering the amount of punitive damages, consider the degree of reprehensibility of the Tesla's conduct. You may not, however, set the amount of any punitive damages in order to punish Tesla for harm to anyone other than Mr. Diaz in this case.

Punitive damages may be awarded even if you award Mr. Diaz only nominal, and not compensatory, damages.